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SUPREME COURT, U.S.

No. 98-555

In The

Supreme Court of the United States

October Term, 1998

DONNA M. HINES,

Petitioner,

v.

BALTIMORE GAS AND ELECTRIC COMPANY,

Respondent.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Fourth Circuit

BRIEF IN OPPOSITION FOR RESPONDENT

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BRIEF IN OPPOSITION

Now comes Respondent, Baltimore Gas and Electric Company[1] ("BGE"), by its attorneys, Laurie Richman Bortz, Ronald D. Byrd, Luther Ellis Justis, Jr. and Mark Thomas Hackman, and pursuant to Rules 15, 33 and 34 of the Supreme Court Rules, files this Brief in Opposition to Petitioner's Petition for Writ of Certiorari.

I. ARGUMENT

THE PETITIONER HAS FAILED TO SET FORTH ANY COMPELLING REASONS FOR WHY THIS COURT SHOULD EXERCISE ITS DISCRETION TO GRANT HER PETITION

A petition for writ of certiorari will only be granted for compelling reasons. *See* Supreme Court Rule 10. The Petitioner in this case, however has failed to set forth any compelling reasons for why her Petition should be granted.

A. The United States Court of Appeals for the Fourth Circuit affirmed the Order of the United States District Court for the District of Maryland entering judgment in favor of BGE upon return of a jury verdict in favor of BGE, and denied the Petition for Rehearing With Suggestion For Rehearing In Banc. None of those rulings is in conflict with the rulings of any other United States Court of Appeals.

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[1] There are no parent or subsidiaries of BGE which are required to be listed pursuant to Supreme Court Rule 29.6.

B. The United States Court of Appeals for the Fourth Circuit has not decided an important federal question in a way that conflicts with a decision by a state court of last resort.

C. The United States Court of Appeals for the Fourth Circuit has made no decision in the instant case which conflicts with applicable decisions of this Court.

D. The United States Court of Appeals for the Fourth Circuit, in affirming the Maryland District Court's decision, applied well-established guidelines, set by this Court in a long line of discrimination and other related cases.

E. The Petitioner is merely asserting erroneous factual findings or misapplications of the law, which assertions are strenuously opposed by BGE and which do not justify the granting of her Petition.

F. The verdict by the jury, and the rulings by the United States District Court for the District of Maryland and by the United States Court of Appeals for the Fourth Circuit, were amply supported by the facts and by applicable law, and there was no abuse of discretion by the lower courts.

G. The Petitioner raises no special or important reasons for the granting of certiorari by this Court.

H. BGE disputes each of the arguments and many of the statements contained in the Petition For Writ of Certiorari, but need not respond in detail to those arguments and statements, as arguments and correctly-stated facts were fully briefed for and properly addressed by the United States District Court for the District of Maryland

and the United States Court of Appeals for the Fourth Circuit.

II. CONCLUSION

For the reasons set forth above, Respondent BGE respectfully requests that this Honorable Court deny Petitioner's Petition for Writ of Certiorari.

Respectfully submitted,

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